



Ninety-Seventh Legislature - Second Session - 2002
Committee Statement
LB 1054

Hearing Date: January 23, 2002

Committee On: Government, Military and Veterans Affairs

Introducer(s): (Schimek, Aguilar, Brown, Burling, McDonald, Smith, Synowiecki, Vrtiska)

Title: Change provisions relating to elections and civil rights

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Aguilar, Brown, Burling, McDonald, Schimek, Smith, Synowiecki
0	No	
0	Present, not voting	
1	Absent	Senator Vrtiska

Proponents:

Christy Abraham
John Gale
Dick Herman
Dave Shively
Neal Erickson

Representing:

Senator DiAnna Schimek
Secretary of State
Self
Lancaster County Election Commission
Secretary of State

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

This bill encompasses the statutory changes needed to implement the recommendations of the Election Task Force.

Sections 1, 2, 3, 4 and 20: Felony Voting: These sections require probation officers to provide information to felons being released from probation about their civil rights, including how to restore them through the pardons board process. These sections also require the Department of Corrections to advise felons who are leaving the correctional system about their civil rights and how to restore them through the pardons process. The right to vote is specifically mentioned as

a civil right which is not restored upon completion of probation or upon leaving the correctional system.

Sections 6 and 9: Poll Worker Recruitment: Amends sections 32-223 and 32-230 to allow election commissioners and county clerks the option of split shifts. The election commissioner or county clerk may allow persons to serve for only part of the time the polls are open. It maintains the proportion requirement of poll workers of different political affiliation serving at any one time.

Sections 7 and 10: Poll Worker Wages: Election commissioners and county clerks are allowed to set the rate of pay for poll workers with the minimum wage as a floor. It also eliminates the language which only allows poll workers to receive pay for up to 15 hours of work.

Sections 8 and 11: Poll Worker Training: This section requires poll workers to receive training before the primary and general election. The training will include instruction as required by the Secretary of State.

Section 9: Poll Worker Recruitment: The chairperson of the county central committee of each political party will send the names of the appointments for poll workers to the county clerk no later than February 1 prior to the primary election. Currently, political parties are required to submit the names 60 days before the primary election.

Section 13: Poll Worker Wages: Amends section 32-241 to require any person to be excused from any shift work without loss of pay for the hours he or she is required to serve, and for eight hours before or after the hours he or she is required to serve. This provision will allow 3rd shift workers to serve as poll workers.

Sections 5, 14, 15, 16 and 18: Provisional Balloting: These sections provide for a person who is registered to vote but whose name does not appear in the register, to vote upon completion of a voter registration form. The ballot envelope will be marked "Provisional Ballot". The person will sign an oath stating he or she is registered to vote, and indicate when and how he or she registered. The election commissioner or county clerk will verify the provisional ballot is in proper form and the person has not voted anywhere else. The election official will then investigate whether any credible evidence exists of the person being properly registered to vote. If the election official determines there is existence of such evidence, the ballot will be counted.

Section 17: Absentee Ballots: Amends section 32-947 to eliminate language allowing persons to request an absentee ballot for the general election on the primary election absentee ballot envelope.

Section 19: Recounts: Currently, the procedures for recounting ballots are the same as those used for counting ballots on election day. If substantial changes are found, a second recount is done manually. This bill amends that provision and requires the second recount be done in the same manner as the first recount in any precinct which reflects a substantial change.

Explanation of amendments, if any:

The Committee amendment makes three changes to the bill. First, it adds language to require election commissioners and county clerks to send notice to poll workers before both the statewide primary and general elections.

Secondly, the provisions of LB 1008 are amended into LB 1054 with the following change: the time period to object to candidate filing forms is extended to seven days after the filing deadline.

Finally, the amendment clarifies language in the bill dealing with felons being notified of their voting rights. When a felon is released from probation, the sentencing court will include in their order, notice that voting rights are not restored upon completion of probation. The order will also include information on restoring such civil rights through the pardon process. When a felon is released from a correctional facility, the Department of Corrections will provide notice that voting rights are not restored upon completion of the sentence. The notice will also include information on restoring such civil rights through the pardon process.

Senator DiAnna R. Schimek, Chairperson